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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,286	03/16/2001	Jacques Fieschi	FR920000012US1	5924

7590 10/10/2003

IMB CORPORATION  
INTELLECTUAL PROPERTY LAW  
DEPT. IQOA/BLDG. 040-3  
1701 NORTH STREET  
ENDICOTT,, NY 13760

EXAMINER

WORJLOH, JALATEE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/810,286

Applicant(s)

FIESCHI ET AL.

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Claims 1-8 have been examined.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 16 (see pg. 3, line 21). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6098053 to Slater.

Slater discloses a seller terminal for registering a sale of one or several articles by a buyer using a credit/debit card associated with a plurality of PIN codes and an electronic payment center connected to said seller terminal by the Internet network, said method comprising the steps of (see col. 7, lines 60-67; col. 8, lines 1-2,17-20,52-54), checking by the electronic payment center, that a buyer PIN code which is provided by said buyer to said electronic payment center is associated with the number of said credit card provided by said buyer to said seller terminal and said electronic payment center automatically checking with a third party whether said buyer PIN code is valid (see col. 9, lines 13-15, 60-67; col. 10, lines 1-4,10-15,32-34,46-49).

Referring to claim 2, Slater discloses said buyer has a terminal which is connected to said Internet network and said terminal is used to transmit the number of said credit/debit card to said seller terminal (see col. 7, lines 48-67; col. 8, lines 1-2).

Referring to claim 3, Slater discloses the number of said credit/debit card which has been provided to said seller terminal by said buyer is transmitted to said electronic payment center in order to check whether the PIN code provided by said buyer to said electronic payment center is associated with said number of said credit/debit card (see col. 8, lines 18-21; col. 9, lines 13-16, 60-67; col. 10, lines 1-4).

Referring to claim 5, Slater discloses checking by said electronic payment center whether the amount of said sale of one or several articles is below a maximum amount authorized for said PIN code (see col. 10, lines 10-15 and 32-44).

Referring to claims 6 and 7, Slater discloses checking by said electronic payment center whether there is a prevalidation of the purchase ordered by said buyer, wherein said prevalidation of the purchase ordered by said buyer is cleared after it has been used (see col. 10, lines 32-36). Notice, Slater does not explicitly teach prevalidation of the purchase order but it can be inferred. That is, Slater discloses “purchaser’s bank performs a number of other checks such to determine whether or not the card is stolen, the account is block etc.”, this statement implies that other verification may be performed including prevalidation and clearing of the prevalidation.

Referring to claim 8, Slater discloses means adapted for performing the steps of claim 1 (see claim 1 above).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 3 above, and further in view of US Patent No. 5963926 to Kumomura.

Slater discloses validating an electronic payment (see claim 1). Slater does not expressly disclose said electronic payment center checks in profile tables whether said PIN code is associated with said number of said credit/debit card. Kumomura discloses electronic payment center checks in profile tables whether said PIN code is associated with said number of said credit/debit card (see fig. 1; col. 5, lines 65-67; col. 6, lines 1-4). At the time the invention was

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made, it would have been obvious to a person of ordinary skill in the art to modify the method discloses Slater to include electronic payment center checks in profile tables whether said PIN code is associated with said number of said credit/debit card. One of ordinary skill in the art would have been motivated to do this because provides an additional level of security by verifying the user's PIN; thus, preventing unauthorized users from utilizing the cardholder's account.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, 703-746-9443 for Non-Official/Draft.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

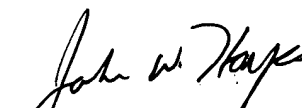
Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
PO Box 1450  
Alexandria, VA 22313-1450***

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.

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October 1, 2003

  
**JOHN W. HAYES  
PRIMARY EXAMINER**